

**(1) CHRISTOPHER ROBERTSON and
(2) SARA ROBERTSON,**

Plaintiffs,

VS.

(1) STATE FARM FIRE AND CASUALTY COMPANY,

Defendant.

Case No. 16-CV-25-GKF-FHM

NOTICE OF REMOVAL

The Petitioner, State Farm Fire and Casualty Company (“State Farm”), Defendant in the above-captioned case, states the following:

1. The above-entitled cause was commenced in the District Court of Tulsa County, entitled Christopher Robertson and Sara Robertson v. State Farm Fire and Casualty Company, Case No. CJ-2015-4607. State Farm was served Summons and Petition on December 18, 2015. A copy of Plaintiffs' Petition setting forth their claims for relief upon which the action is based is attached hereto and marked Exhibit 1. A copy of the Summons served upon State Farm is attached hereto and marked Exhibit 2.

2. State Farm is incorporated and has its principal place of business in the State of Illinois. Plaintiffs are citizens and residents of the State of Oklahoma, residing in Tulsa County, Oklahoma. (*See* Petition, p. 1, ¶ 1, Exhibit 1). Plaintiffs' cause of action is for alleged breach of a homeowners insurance contract and alleged breach of the implied duty of good faith and fair dealing. The matter in controversy between Plaintiffs and Defendant, according to Plaintiffs' demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interests and

costs. (*See* Plaintiffs' Petition, pp. 4, 6, Exhibit 1).

3. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332 (1992), by reason of the fact this is a civil action wherein the amount in controversy, according to Plaintiffs' demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interest and costs and is between citizens of different states. Accordingly, this action may be removed by State Farm pursuant to 28 U.S.C. § 1441(a).

4. This Notice of Removal is filed in this Court within thirty (30) days after December 18, 2015, the date State Farm was served with a copy of Plaintiffs' Petition, which was the initial pleading setting forth the claims for relief upon which this action is based. (*See* Summons and letter from Insurance Commissioner, Exhibit 2).

5. Copies of all process and pleadings served upon State Farm have been attached hereto as follows: Petition, Exhibit 1; Summons, Exhibit 2, Special Appearance and Request for Enlargement of Time in Which to Further Answer or Plead, Exhibit 3, and Order, Exhibit 4. Pursuant to LCvR 81.2, a copy of the state court docket sheet is attached as Exhibit 5.

WHEREFORE, State Farm prays this action be removed.

Dated this 14th day of January, 2016.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,
BRITTINGHAM, GLADD & FIASCO**

A PROFESSIONAL CORPORATION

/s/ John S. Gladd

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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Tracy W. Robinett, OBA #13114
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